

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Crim. No. 18-10307 MLW
)	
DAREN DEJONG,)	
)	
Defendant.)	

**GOVERNMENT'S DECLARATION IN RESPONSE TO COURT'S MAY 6, 2019
ORDER**

Pursuant to 28 U.S.C. § 1746, the undersigned Assistant U.S. Attorneys state the following in response to the Court's May 6, 2019 Order, ECF Dkt. No. 60:

1. With respect to defendant Daren DeJong, the government has submitted all information covered by U.S.S.G. §§ 1B1.3(a)(1)(B) and 6B1.2(a). This information included a thumb drive submitted to the United States Probation Office on February 12, 2019, containing approximately 693 files, with materials having a bates range of MSP OT 1-49370 and DEJONG 1-1326.
2. The government only learned on April 19, 2019, via ECF Dkt. No. 57 that on April 10, 2019, defendant DeJong admitted to Massachusetts Attorney General's Office¹ investigators that he had engaged in AIRE overtime abuse in coordination with other members of Troop E via phone and/or radio communication (*e.g.*, DeJong and other Troopers would not be writing citations [on a bad weather] day and that he should go home; they agreed not to write citations a certain day; they agreed not to divulge these

¹ The defendant requested that the Court be informed that the information was provided under the protection of a proffer letter from the Massachusetts Attorney General's Office.

conversations or attract attention by stopping cars; and they agreed to write tickets prior to certain overtime shifts). *See* ECF Dkt. No. 57 at 10-11.

3. Based upon information the Attorney General's Office provided to the government on May 3, 2019, the government believes that one of the individuals that participated in some of the above-mentioned activity with defendant DeJong was former MSP Lieutenant "A."² Publicly available information from the Attorney General's Office estimates that the overtime loss attributable to Lieutenant A is approximately over \$18,000 in 2015 and \$10,000 in 2016. The Massachusetts Attorney General has also pursued charges against two other former Lieutenants. If it is determined by this Court that defendant DeJong coordinated fraudulent activity with former MSP Lieutenants "B" and/or "C," the Attorney General's Office estimates their respective loss for 2015 at over \$11,000 and over \$5,000, and their respective loss for 2016 at over \$19,000 and over \$17,000.³
4. Before April 10, 2019, the government attempted to meet and proffer with defendant DeJong on two occasions: (i) in June 2018, before his arrest; and (ii) in November 2018, after the plea agreement was executed, *see* ECF Dkt. No. 33. Defendant DeJong rejected both invitations.
5. Following the May 2, 2019 hearing, however, the parties arranged to have defendant DeJong proffer with the government within the next two weeks. In accordance with the Office's standard proffer practice, the government will not use defendant DeJong's proffered statements against him at sentencing, subject to certain exceptions. Should

² *See* Local Rule 116.2(c)(1)(E).

³ The defendant would object to the attribution of any additional loss and anticipates filing a memorandum on that issue.

defendant DeJong provide any information falling within the parameters of U.S.S.G. §§ 1B1.3(a)(1)(B) and 6B1.2(a), and the Court requests such information, the government will provide it in accordance with section 3 of the Plea Agreement, *see* ECF Dkt. No. 33 at 4.

6. The government has conferred with defense counsel for DeJong. The government does not request a further continuance of the sentencing hearing. The defendant would request a continuance of the sentencing until at least the first week of June.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection. Executed this 8th day of May, 2019.

/s/ Dustin Chao
DUSTIN CHAO
Assistant U.S. Attorney

/s/ Mark Grady
MARK GRADY
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing.

/s/ Dustin Chao
Dustin Chao
Assistant U.S. Attorney

Date: May 8, 2019